

# EXHIBIT 13

**Hill, Brian**

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**From:** David J. Strachman [djs@mtlesq.com]  
**Sent:** Tuesday, November 16, 2010 12:44 PM  
**To:** Hill, Brian; Hibey, Richard; Rochon, Mark; 'Sherman, Deming'  
**Cc:** 'Max Wistow'; 'Benjamin Ledsham'  
**Subject:** RE: Ungar v. PAPLO

We will be filing a motion for protective order and the witnesses will not be appearing at the depositions you scheduled for this week.

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**From:** Hill, Brian [mailto:BHill@milchev.com]  
**Sent:** Tuesday, November 16, 2010 12:24 PM  
**To:** Hill, Brian; David J. Strachman; Hibey, Richard; Rochon, Mark; Sherman, Deming  
**Cc:** Max Wistow; Benjamin Ledsham  
**Subject:** RE: Ungar v. PA/PLO

Counsel,

You have not responded to my email below.

Please let us know immediately whether the six experts referenced below (Rubin, Shnoor, Thanning, Leavitt, Gross and Brenman) will be attending their depositions as noticed so we can confirm or cancel the court reporters as need be.

Regards,

Brian A. Hill  
Miller & Chevalier, Chtd  
655 15th Street, NW Suite 900  
Washington, DC 20005  
Direct: (202) 626-6014  
Fax: (202) 626-5801

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**From:** Hill, Brian  
**Sent:** Monday, November 15, 2010 5:22 PM  
**To:** 'David J. Strachman'; Hibey, Richard; Rochon, Mark; 'Sherman, Deming'  
**Cc:** 'Max Wistow'; 'Benjamin Ledsham'  
**Subject:** RE: Ungar v. PA/PLO

Counsel,

On November 12, 2010, just seven days before the close of discovery, Plaintiffs identified six additional expert witnesses Plaintiffs apparently intend to call at the January 18, 2011 vacatur proceeding, bringing the total number of expert witnesses identified by Plaintiffs to ten.

At this point, Plaintiffs have provided written reports for only four of these ten expert witnesses. The first of these reports (Brenman) was provided on Friday November 12

11/18/2010

at 3:35 pm, the second (Thanning) on Saturday November 13 at 6:41 pm, and the third (Saad) and fourth (Leavitt) were not sent until today at 3:02 pm and 4:40 pm respectively. Please let us know immediately whether you intend to serve expert reports from the other six experts and to comply with your obligations to respond to Defendants' Interrogatory Nos. 20 and 21.

As you know, Defendants have repeatedly asserted their right to depose the expert witnesses whom Plaintiffs identify. With respect to the first four experts identified by Plaintiffs (i.e., Messrs. Reisner, Shaked, Politis and Saad), Plaintiffs have refused to produce three of those four experts for deposition (i.e., Messrs. Reisner, Shaked and Politis), despite the fact that Plaintiffs themselves had issued, but later withdrawn notices of depositions for those three experts. Earlier today, Plaintiffs noticed the fourth (Mr. Saad) for a deposition on December 1.

With respect to the remaining six experts identified by Plaintiffs for the first time on November 12, you have failed to respond to my email below requesting that you produce them for deposition prior to the close of discovery. Accordingly, attached are deposition notices for those six experts.

Please let us know by noon tomorrow if any of these six witnesses will not be appearing for their depositions as noticed so we can cancel the court reporters without charge.

Defendants are reserving all their rights and remedies for your continuing late and inadequate disclosure of your witnesses.

Regards,

Brian A. Hill  
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**From:** Hill, Brian  
**Sent:** Friday, November 12, 2010 4:27 PM  
**To:** 'David J. Strachman'; Hibey, Richard; Rochon, Mark; 'Sherman, Deming'  
**Cc:** 'Max Wistow'; 'Benjamin Ledsham'  
**Subject:** RE: Ungar v. PA/PLO

Counsel,

Serving us with a list of eight expert witnesses and two expert "report[s]" (one of which has nothing to do with this case) with one week left in discovery is unacceptably late, inadequate, and severely prejudicial to Defendants.

We are willing to attempt to cure this prejudice by receiving your expert reports and deposing your experts before November 19, if you are willing to produce your expert reports by Monday November 15 at noon, and produce your witnesses for depositions in our offices in Washington next week.

Please let us know immediately if you will produce your expert reports for your witnesses

11/18/2010

(other than Dr. Brennan) by Monday at noon, and produce your experts for deposition in our offices prior to November 19.

Defendants are reserving all their rights and remedies for your late and inadequate disclosure of witnesses in this matter.

Regards,

Brian A. Hill  
Miller & Chevalier, Chtd  
655 15th Street, NW Suite 900  
Washington, DC 20005  
Direct: (202) 626-6014  
Fax: (202) 626-5801

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**From:** David J. Strachman [mailto:djs@mtlesq.com]  
**Sent:** Friday, November 12, 2010 3:35 PM  
**To:** Hill, Brian; Hibey, Richard; Rochon, Mark; 'Sherman, Deming'  
**Cc:** 'Max Wistow'; 'Benjamin Ledsham'  
**Subject:** Ungar v. PA/PLO

Counsel,

Please see attached.

Dave

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11/18/2010